

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

In re:)	
)	Chapter 7
WILLIAM O'DELL MCLAIN,)	
)	Case No. 01-12342-whd
Debtor.)	
_____)	

MOTION TO DISBURSE UNCLAIMED DIVIDENDS

Guaranty Business Credit Corp. ("GBCC") petitions the Court for payment of certain funds currently held in the registry maintained by the Clerk of the United States Bankruptcy Court for the Northern District of Georgia (the "Clerk of Court"). In support of this Motion, GBCC shows the Court as follows:

1. Prior to September 7, 2001, the date William O'Dell McLain (the "Debtor") filed his voluntary Chapter 7 bankruptcy petition commencing the above-styled bankruptcy case, GBCC made loans and other financial accommodations to McLain Building Materials, Inc., which loans were personally guaranteed by the Debtor.
2. On August 22, 2009, Compass Bank acquired GBCC, which remains a wholly-owned subsidiary of Compass Bank.
3. A dividend check in the amount of \$38,284.65 was issued in the above-styled bankruptcy case to Guaranty Business Credit Corp., whose mailing address at the time of issue was Guaranty Business Credit Corp., c/o James S. Rankin, Jr., Parker, Hudson, Rainer & Dobbs LLP, 285 Peachtree Center Avenue, NE, Suite 1500, Atlanta, Georgia 30303.
4. The attorneys at Parker, Hudson, Rainer & Dobbs LLP ("PHRD") were initially unsuccessful in locating a representative for GBCC.

5. Because the dividend check was not cashed, pursuant to 11 U.S.C. § 347(a), on May 11, 2010, the Chapter 7 trustee, Gary W. Brown, paid those funds to the Clerk of Court.

6. Since the check was returned to the Clerk of Court, PHRD has identified the appropriate party to receive the funds from the estate.

7. Application is hereby made to pay these unclaimed funds back to Guaranty Business Credit Corp. (Tax ID No. 75-2820595) and mail the check to Guaranty Business Credit Corporation, c/o Compass Bank, Attn: Charles Sebesta, Mail Code: TX DA-DG FUT, 8333 Douglas Avenue, Suite 820, Dallas, TX 75225.

WHEREFORE, GBCC respectfully requests that the Court enter an Order, in substantially the same form attached hereto as Exhibit A, directing the Clerk of Court to issue a check in the amount of \$38,284.65 payable to "Guaranty Business Credit Corp." and to send said check to GBCC at Guaranty Business Credit Corporation, c/o Compass Bank, Attn: Charles Sebesta, Mail Code: TX DA-DG FUT, 8333 Douglas Avenue, Suite 820, Dallas, TX 75225

Respectfully submitted, this 27th day of July, 2010.

PARKER, HUDSON, RAINER & DOBBS LLP
Attorneys for Guaranty Business Credit Corp.

By: /s/ Tyronia M. Morrison

Tyronia M. Morrison, Bar No. 141320
James S. Rankin, Jr., Bar No. 594620

1500 Marquis Two Tower
285 Peachtree Center Avenue NE
Atlanta, Georgia 30303
Telephone: (404) 523-5300
Facsimile: (404) 522-8409

EXHIBIT A

(Proposed Order)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

In re:)	
)	Chapter 7
WILLIAM O'DELL MCLAIN,)	
)	Case No. 01-12342-whd
Debtor.)	
_____)	

ORDER FOR PAYMENT OF UNCLAIMED FUNDS

On May 11, 2010, the Chapter 7 trustee in the above-referenced case submitted a check to the Clerk, U.S. Bankruptcy Court, for deposit into the Registry of the Court in the amount of \$38,284.65 (the "Unclaimed Funds") on behalf of creditor Guaranty Business Credit Corp. ("Claimant"). On July 27, 2010, Parker, Hudson, Rainer & Dobbs LLP, attorney-in-fact for Claimant, filed a Motion to Disburse Unclaimed Dividends (the "Motion") to collect the Unclaimed Funds. It appearing from the Motion and all matters before this Court that Claimant is entitled to the Unclaimed Funds, it is hereby

ORDERED that the Clerk, U.S. Bankruptcy Court, shall issue a check in the amount of \$38,284.65 payable to "Guaranty Business Credit Corp." and shall send said check to payee at

Guaranty Business Credit Corporation, c/o Compass Bank, Attn: Charles Sebesta, Mail Code: TX
DA-DG FUT, 8333 Douglas Avenue, Suite 820, Dallas, TX 75225.

END OF DOCUMENT

Prepared by:

PARKER, HUDSON, RAINER & DOBBS LLP
Attorneys for Guaranty Business Credit Corp.

By: /s/ Tyronia M. Morrison

Tyronia M. Morrison, Bar No. 141320

James S. Rankin, Jr., Bar No. 594620

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DISTRIBUTION LIST

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Office of the US Trustee

Suite 362
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Atlanta, GA 30303

R. Jeneane Treace

U.S. Trustee
362 Richard Russell Bldg.
75 Spring Street
Atlanta, GA 30303

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing MOTION TO DISBURSE UNCLAIMED DIVIDENDS upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed to the following:

Gary W. Brown
Harwell, Brown & Harwell, PC
12 Jackson Street
Newnan, GA 30263

Harwell, Brown, Arnall, P.C.
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Newnan, GA 30263

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Office of the US Trustee
Suite 362
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Atlanta, GA 30303

R. Jeneane Treace
U.S. Trustee
362 Richard Russell Bldg.
75 Spring Street
Atlanta, GA 30303

This 27th day of July, 2010.

PARKER HUDSON RAINER & DOBBS LLP
Attorney For Movant

/s/ Tyronia M. Morrison

Tyronia M. Morrison
Bar No. 141320